PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

POSO22 POR FURTHER ACTION See Form PCT/IPEA/416	Applicant's or agent's file i	reference					
PCTANC2004A000228			FOR FURTHER ACTION		See Form PCT/IPEA/416		
Applicant YARA INTERNATIONAL ASA et al. 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. sent to the applicant and to the International Bureauy a total of sheets, as follows: sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative instructions). sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disolocure in the International application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence illating and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. This report contains indications relating to the following Items: Box No. I Priority				(day/month/year)			
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European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d De Waard, W	Name and mailing address of the international		Authorized Officer				
	European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d		-	2399-2918			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/NO2004/000228

	Box No. I Basis of the rep	ort			
1.	With regard to the language, filed, unless otherwise indicate	ith regard to the language , this report is based on the international application in the language in which it w ed, unless otherwise indicated under this item.			
	which is the language of	ranslations from the original language into the following language , a translation furnished for the purposes of:			
	publication of the inte	under Rules 12.3 and 23.1(b)) rnational application (under Rule 12.4) ary examination (under Rules 55.2 and/or 55.3)			
2.	With regard to the elements* of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):				
	Description, Pages				
	1-8	as published			
	Claims, Numbers				
	1-13	as published			
	Drawings, Sheets				
	1/2-2/2	as published			
	☐ a sequence listing and/or	any related table(s) - see Supplemental Box Relating to Sequence Listing			
3.		The amendments have resulted in the cancellation of:			
	☐ the description, pages☐ the claims, Nos.				
	☐ the drawings, sheets/ ☐ the sequence listing (iigs			
	any table(s) related to	specify): sequence listing (specify):			
4.	☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).				
	☐ the description, pages☐ the claims, Nos.				
	☐ the drawings, sheets/	iigs ()			
	☐ the sequence listing (☐ any table(s) related to	specify): sequence listing (specify):			
	* If item 4 applies,	some or all of these sheets may be marked "superseded."			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/NO2004/000228

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

3,4,7,9-13

No: Claims

1,2,5,6,8

Inventive step (IS)

Yes: Claims

No: Claims

3,4,7,9-13

1-13

Industrial applicability (IA)

Yes: Claims

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

International application No.

PCT/NO2004/000228

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

D1: EP-A-1 112 773

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 8 is not new in the sense of Article 33(2) PCT.

D1 discloses a method and a device which fulfil the requirements specified in claims 1 (the alternative following "or") and 8 respectively (compare D1, figure 1(a) and 1(b) and the description page 3, lines 44-47

The features additionally claimed in dependent claims 2, 5 and 6 are also already known from D1, see e.g. D1, page 6, lines 1 and 6 and figure 1(a).

The features additionally specified in dependent claims 3-5, 7 and 9-13 are merely straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Re Item VIII

Certain observations on the international application

The features following "such" in claim 1 (page 9, line 11) and claim 12 (page 10, line 26) relate to a result or desired effect to be achieved. This render the said claims unclear (Article 6 PCT).